

WHITELAND REDEVELOPMENT COMMISSION

RESOLUTION 2020-03

CONFIRMATORY RESOLUTION

A RESOLUTION MODIFYING AND CONFIRMING WHITELAND REDEVELOPMENT COMMISSION RESOLUTION 2020-01 ADOPTED ON FEBRUARY 20, 2020, AMENDING THE DECLARATORY RESOLUTION TO DESIGNATE ADDITIONAL ALLOCATION AREA WITHIN THE WHITELAND ECONOMIC DEVELOPMENT AREA
(Addition of Wilson/Whiteland 95 RE Property and Kemper/BD Family Farm Property)

WHEREAS, the Town of Whiteland (“Town”) Redevelopment Commission (the “Commission”), governing body of the Town of Whiteland Department of Redevelopment (the “Department”), on February 21, 2013 adopted its Resolution No. 2013-01 (as subsequently confirmed and amended, the “Declaratory Resolution”) establishing an economic development area known as the “Whiteland Economic Development Area” (the “Original EDA”), and approving an economic development plan for the area (the “Plan”), pursuant to Ind. Code § 36-7-14 and Ind. Code § 36-7-25, as amended (the “Act”);

WHEREAS, the Declaratory Resolution established the Whiteland Advancement Allocation Area in accordance with Ind. Code § 36-7-14-39 (the "Allocation Area"), for the purpose of capturing property taxes generated from the incremental assessed value of real property located in the Allocation Area;

WHEREAS, the Redevelopment Commission has subsequently adopted a declaratory resolution (Resolution No. 2020-01) on February 20, 2020 (the "Amending Declaratory Resolution"), attached hereto as Exhibit A, to expand the Whiteland Economic Development Area to include the parcels owned by Jeff and Lora Wilson (referred to within the Amending Declaratory Resolution as the “Whiteland 95 RE Property” and the “Whiteland 95 RE Enlargement Area”) and BD Family Farm, LLC (together to be referred to herein as the “Wilson and BD Family Farm Properties”) and to designate the Wilson and BD Family Farm Properties as additional allocation area (the “Additional EDA”) within the Whiteland Advancement Allocation Area;

WHEREAS, the Commission submitted the Amending Declaratory Resolution and supporting data to the Whiteland Plan Commission ("Plan Commission"), and the Plan Commission issued its written order approving the Amending Declaratory Resolution and the Plan;

WHEREAS, the Town Council has approved the order of the Plan Commission and the Amending Declaratory Resolution;

WHEREAS, the Commission published notice in the Daily Journal of the adoption and substance of the Amending Declaratory Resolution in accordance with IC 36-7-14-17 and IC 5-3-1, which notice also gave notice of a hearing on the Amending Declaratory Resolution to be held by the Commission;

WHEREAS, the notice described in the preceding paragraph was also filed in the office of the Plan Commission, the Board of Zoning Appeals, the Building Commissioner, and all other departments, bodies or officers having to do with Town planning, variances from zoning ordinances, land use, or the issuance of building permits;

WHEREAS, copies of the notice were also filed with the officers authorized to fix budgets, tax rates and tax levies under IC 6-1.1-17-5 for each taxing unit that is either wholly or partly located within Allocation Area, together with a statement disclosing the impact of the proposed expansion of the Whiteland Economic Development Area and amendment of the Allocation Area, in accordance with IC 36-7-14-17(c); and

WHEREAS, the Commission on June 11, 2020, conducted a public hearing at which the Commission heard all persons interested in the proceedings and considered all written remonstrances and objections that were filed.

NOW, THEREFORE, BE IT RESOLVED BY THE REDEVELOPMENT COMMISSION OF THE TOWN OF WHITELAND, INDIANA, THAT:

Section 1. The Commission has considered the evidence presented and now finds and determines that the enlargement of the Whiteland Economic Development Area to include the Wilson and BD Family Farm Properties and the addition of the Wilson and BD Family Farm Properties to the Whiteland Advancement Allocation Area as approved in the Amending Declaratory Resolution, and all other actions incorporated in and approved in the Amending Declaratory Resolution, will be of public utility and benefit.

Section 2. Exhibit A of the Amending Declaratory Resolution is hereby revised to identify the Owner of the Whiteland 95 RE Property and the Whiteland 95 RE Enlargement Area as Jeff and Lora Wilson instead of Whiteland 95 RE LLC. The Exhibit C List of the owners of the various parcels of property affected by the amendment of the resolution is also hereby revised to identify the owner of Parcel ID - 41-05-25-031-006.003-007 as Jeff and Lora Wilson instead of Whiteland 95 RE LLC, as shown on Revised Exhibit C attached hereto and incorporated herein.

Section 3. The Amending Declaratory Resolution approved by the Commission on February 20, 2020, a copy of which is attached hereto and incorporated herein as Exhibit A, is hereby confirmed as modified by this Resolution.

Section 4. The Secretary is hereby directed to record this Resolution in the office of the Johnson County Recorder, to immediately notify the Department of Local Government Finance (successor to the State Board of Tax Commissioners) of the enlargement of the Whiteland Economic Development Area to include the Wilson and BD Family Farm Properties and the addition of the Wilson and BD Family Farm Properties to the Whiteland Advancement Allocation Area, to file this Resolution with the Johnson County Auditor along with a copy of the map identifying the Wilson and BD Family Farm Properties to be added to the Whiteland Economic Development Area and Whiteland Advancement Allocation Area and the parcel numbers of the Wilson and BD Family Farm Properties, together with any supporting documents that are relevant to the computation of assessed values in the allocation area, and to make all other filings necessary

or desirable to carry out the purposes and intent of this Resolution. The filings with the Department of Local Government Finance and the Johnson County Auditor shall be made within thirty (30) days after the date of adoption of this Resolution.

Adopted: June 11, 2020

WHITELAND REDEVELOPMENT COMMISSION



Scot Ford, President

ATTEST:



Katy Cavaleri, Secretary

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law. Stephen K. Watson

This instrument prepared by (and return to) Stephen K. Watson, Williams Barrett & Wilkowski, LLP, 600 N. Emerson Avenue, Greenwood, Indiana 46143.

Revised Exhibit C

List of the owners of the various parcels of property affected by the amendment of the resolution
to add the 2020-01 Enlargement Area

JEFF AND LORA WILSON (Parcel ID - 41-05-25-031-006.003-007)

BD FAMILY FARM, LLC (Parcel ID's - 41-05-26-031-008.004-028, 41-05-26-034-046.000-028,
and 41-05-26-031-046.001-028)

Exhibit A

WHITELAND REDEVELOPMENT COMMISSION

RESOLUTION 2020-01

**A RESOLUTION AMENDING DECLARATORY RESOLUTION 2013-01 TO ENLARGE
THE WHITELAND ECONOMIC DEVELOPMENT AREA AND TO DESIGNATE
ADDITIONAL ALLOCATION AREA WITHIN THE WHITELAND ECONOMIC
DEVELOPMENT AREA**

(Addition of Wilson/Whiteland 95 RE Property and Kemper/BD Family Farm Property)

WHEREAS, the Town of Whiteland (“Town”) Redevelopment Commission (the “Commission”), governing body of the Town of Whiteland Department of Redevelopment (the “Department”), on February 21, 2013 adopted its Resolution No. 2013-01 (as subsequently confirmed and amended, the “Declaratory Resolution”) establishing an economic development area known as the “Whiteland Economic Development Area” (the “Economic Development Area” or “EDA”), and approving an economic development plan for the EDA (the “Plan”), pursuant to Ind. Code § 36-7-14 and Ind. Code § 36-7-25, as amended, (collectively, the “Act”);

WHEREAS, the Plan for the EDA expressly anticipates and proposes that adjacent unannexed lands east of or near I-65, be added to the EDA as those lands are annexed into the corporate limits of the Town in the future;

WHEREAS, the 63.0761 acre Whiteland 95 RE Property described and depicted within Exhibit A attached hereto and incorporated herein (referred to herein as the “Whiteland 95 RE Property” and the “Whiteland 95 RE Enlargement Area”), was recently annexed into the Town of Whiteland and abuts the EDA and the Whiteland Advancement Allocation Area;

WHEREAS, the 57.47 acre Kemper/BD Family Farm Property described and depicted within Exhibit B attached hereto and incorporated herein (referred to herein as the “Kemper Property” and the “Kemper Enlargement Area”), was recently annexed into the Town of Whiteland and abuts the EDA and the Whiteland Advancement Allocation Area (the Whiteland 95 RE Enlargement Area and the Kemper Enlargement Area are collectively referred to herein as the “2020-01 Enlargement Area”);

WHEREAS, the Commission has determined that the 2020-01 Enlargement Area is additional economic development area to be added to the EDA and developed under the Act;

WHEREAS, pursuant to Ind. Code § 36-7-14-2, the clearance, replanning, and redevelopment of areas needing redevelopment are public uses and purposes for which public money can be spent and private property may be acquired;

WHEREAS, the Commission has investigated, studied, and surveyed economic development areas within the corporate boundaries of the Town;

WHEREAS, the Commission has caused to be prepared:

- (1) Maps and plats showing:

(A) the boundaries of the economic development area and the allocation areas referenced herein, the location of various parcels of property, streets, alleys, and other features affecting the acquisition, clearance, replatting, replanning, rezoning or economic development of the area, indicating any parcels of property to be excluded from the acquisition, and

(B) the parts of the acquired areas that are to be devoted to public ways, levees, sewerage, parks, playgrounds, and other public purposes under the Plan;

(2) A list of the owners of the various parcels of property proposed to be acquired for, or otherwise affected by, the amendment of the resolution to add the 2020-01 Enlargement Area, attached as Exhibit C; and

(3) An estimate of the cost of acquisition, redevelopment, and economic development of the area.

WHEREAS, Sections 41 and 43 of the Act have been created to permit the creation of “economic development areas” and to provide that all of the rights, powers, privileges, and immunities that may be exercised by the Commission in a redevelopment area or urban renewal area may be exercised in an economic development area, subject to the conditions set forth in the Act;

WHEREAS, the Commission deems it advisable to apply the provisions of Sections 41 and 43 of the Act to the 2020-01 Enlargement Area; and

WHEREAS, the Commission has caused to be prepared a factual report (“Factual Report”) in support of the findings contained in this resolution, which Factual Report is attached to and incorporated by reference into this resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE REDEVELOPMENT COMMISSION OF THE TOWN OF WHITELAND, THAT:

Section 1) The Commission hereby amends the Declaratory Resolution to designate the newly annexed Whiteland 95 RE Property and Kemper Property as additional economic development area (the “Additional EDA”), all of which is located within the Town’s corporate boundaries, which together with the original EDA shall constitute the Whiteland Economic Development Area, and the Declaratory Resolution is also hereby amended to add the 2020-01 Enlargement Area to the Whiteland Advancement Allocation Area, as previously amended. The boundaries of the Whiteland Economic Development Area and the Whiteland Advancement Allocation Area, as enlarged by this Resolution, are depicted on Exhibit D. References to EDA within the Plan for the EDA shall be deemed to include the Additional EDA.

Section 2) The Commission ratifies and confirms the Plan and the findings contained in the Plan, and finds that the Plan for the Economic Development Area as enlarged by this Resolution:

- (A) Promotes significant opportunities for the gainful employment of the citizens of the Town.
- (B) Attracts major new business enterprises to the Town;
- (C) Benefits the public health, safety, morals and welfare of the citizens of the Town;
- (D) Increases the economic well-being of the Town and the State of Indiana;
- (E) Serves to protect and increase property values in the Town and the State of Indiana; and
- (F) Meets and serves other purposes of Section 2.5, 41, and 43 of the Act.

Section 3) The Commission ratifies and confirms that the Plan cannot be achieved by regulatory processes or by the ordinary operation of private enterprise without resort to the powers allowed the Commission under IC 36-7-14 because of:

- (A) The lack of local public improvements; and
- (B) Other similar conditions, specifically: The cost of extension and reconstruction of public improvements has made the development of the property cost prohibitive when compared to other property available for development.

Section 4) The Commission finds, ratifies, and confirms that the enlargement of the Whiteland Economic Development Area and the Whiteland Advancement Allocation Area and the amendment of the Declaratory Resolution as described herein conform to the comprehensive plan for the Town and other development and redevelopment plans for the Town.

Section 5) The Commission finds that the public health and welfare will be benefited by the enlargement of the Whiteland Economic Development Area and the Whiteland Advancement Allocation Area, as described herein.

Section 6) The Commission finds that the enlargement of the Whiteland Economic Development Area and the Whiteland Advancement Allocation Area, and the accomplishment of the Plan will be of public utility and benefit as measured by:

- (A) The attraction and retention of permanent jobs;
- (B) An increase in the property tax base;
- (C) Improved diversity of the economic base; and
- (D) Allowing the Town to provide safe transportation and additional public infrastructure in the Town.

Section 7) The Commission proposes to acquire as yet unidentified interests in real property within the boundaries of the Economic Development Area as stated in the Plan. Land acquisitions will be determined on a case-by-case basis with each particular infrastructure improvement project.

Section 8) The Commission finds that no residents of the Economic Development Area will be displaced by any project resulting from the Plan; and, therefore, the Commission finds that it does not need to give consideration to transitional and permanent provisions for adequate housing for the residents.

Section 9) This paragraph shall be considered the allocation provision for the purposes of IC 36-7-14-39. The entire Whiteland Advancement Allocation Area, as enlarged by this Resolution, shall constitute an allocation area as defined in IC 36-7-14-39. Any property taxes levied on or after the effective date of this resolution by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in the allocation area shall be allocated and distributed in accordance with IC 36-7-14-39. This allocation provision shall expire no later than twenty-five (25) years after the date on which the first obligation is incurred to pay principal and interest on bonds or lease rentals on leases payable from tax increment revenues, unless terminated at an earlier date by the Commission.

Section 10) The Commission hereby finds that the adoption of the above allocation provision will result in new property taxes in the area that would not have been generated but for the adoption of the allocation provision.

Section 11) The Commission hereby finds that it will be of public utility and benefit to amend the Declaratory Resolution as described herein and the projects set forth in the Plan will directly serve and benefit the Economic Development Area and promote economic development activity in the Economic Development Area, as further described in the Plan. The Department shall be permitted to engage in the activities necessary to design, construct, and equip the projects set forth in the Plan, and to perform all other activities permitted under the Act.

Section 12) The Commission hereby finds and determines that the amendment of the Declaratory Resolution as provided herein is reasonable and appropriate when considered in relation to the original Declaratory Resolution and the Plan, and the purposes of the Act, and ratifies and confirms that the Plan conforms to the comprehensive plan for the Town.

Section 13) All of the rights, powers, privileges, and immunities that may be exercised by the Commission in a Redevelopment Area or Urban Renewal Area may be exercised by the Commission in the Economic Development Area, subject to the limitations in IC 36-7-14-43.

Section 14) In support of the findings set forth in sections 1-13 above, the Redevelopment Commission hereby adopts the specific findings of fact set forth in the Factual Report attached hereto as Exhibit E.

Section 15) The presiding officer of the Commission is hereby authorized and directed to submit this resolution and the Factual Report to the Whiteland Plan Commission for its approval.

Section 16) The Commission also directs the presiding officer, upon receipt of the written order of approval of the Whiteland Plan Commission which has been approved by the Common Council to publish notice of the adoption and substance of this resolution in accordance with IC 5-3-1-4 and to file, or cause to be filed, notice with the Whiteland Plan Commission, the Board of Zoning Appeals, the Board of Public Works, the Park Board, the building commissioner and any other departments or agencies of the Town concerned with unit planning, zoning, variances, land use or the issuance of building permits. The notice must state that maps and plats have been prepared and can be inspected at the office of the Town's department of redevelopment and must establish a date when the Commission will receive and hear remonstrances and objections from persons interested in or affected by the proceedings pertaining to the proposed project and will determine the public utility and benefit of the proposed project. Copies of the notice must also be filed with the officers authorized to fix budgets, tax rates and tax levies under IC 6-1.1-17-5 for each taxing unit that is either wholly or partly located within the proposed allocation area.

Section 17) The Commission also directs the presiding officer to prepare, or cause to be prepared, a statement disclosing the impact of the allocation area, including the following:

- (A) The estimated economic benefits and costs incurred by the allocation area, as measured by increased employment and anticipated growth of real property, personal property and inventory assessed values; and
- (B) The anticipated impact on tax revenues of each taxing unit that is either wholly or partly located within the allocation area. A copy of this statement shall be forwarded to each such taxing unit with a copy of the notice required under IC 36-7-14-17 at least 10 days before the date of the hearing described in Section 16 of this Resolution.

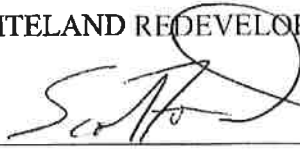
Section 18) The Commission further directs the presiding officer to submit this resolution to the Town Council for its approval of the enlargement of the Whiteland Advancement Allocation Area and the amendment of the Declaratory Resolution as described herein.

Section 19) The Commission also directs the presiding officer to file, or cause to be filed, a copy of the confirmed resolution with both the Johnson County Auditor's Office and the department of local government finance, together with any supporting documents that are relevant to the computation of assessed values in the allocation area, within thirty (30) days after the date on which the Commission takes final action on this Resolution.

Section 20) This Resolution shall be effective as of its date of adoption.

Adopted by the Whiteland Redevelopment Commission on the 20 day of February, 2020.

WHITELAND REDEVELOPMENT COMMISSION



Scot Ford, President

ATTEST:



Katy Cavaleri, Secretary

Exhibit A
(Page 1 of 2)

Description of the additional allocation area, referred to as the “Whiteland 95 RE Property” and the “Whiteland 95 RE Enlargement Area”

Parcel ID - 41-05-25-031-006.003-007, being approximately 63.0761 acres of unimproved land located west of I-65 and N. 350 E. and depicted on the attached map.

Owner -- WHITELAND 95 RE LLC

(Page 2 of 2)
Depiction of Whiteland 95 RE Property



Exhibit B
(Page 1 of 2)

**Description of the additional allocation area, referred to as the “Kemper Property” and the
“Kemper Enlargement Area”**

Parcel ID's - 41-05-26-031-008.004-033, 41-05-26-034-046.000-033, and 41-05-26-031-046.001-033, being approximately 57.47 acres of property generally located east of Graham Road, ¼ mile South of Whiteland Road, and depicted on the attached map.

Owner – BD FAMILY FARM, LLC

(Page 2 of 2)
Depiction of Kemper Property

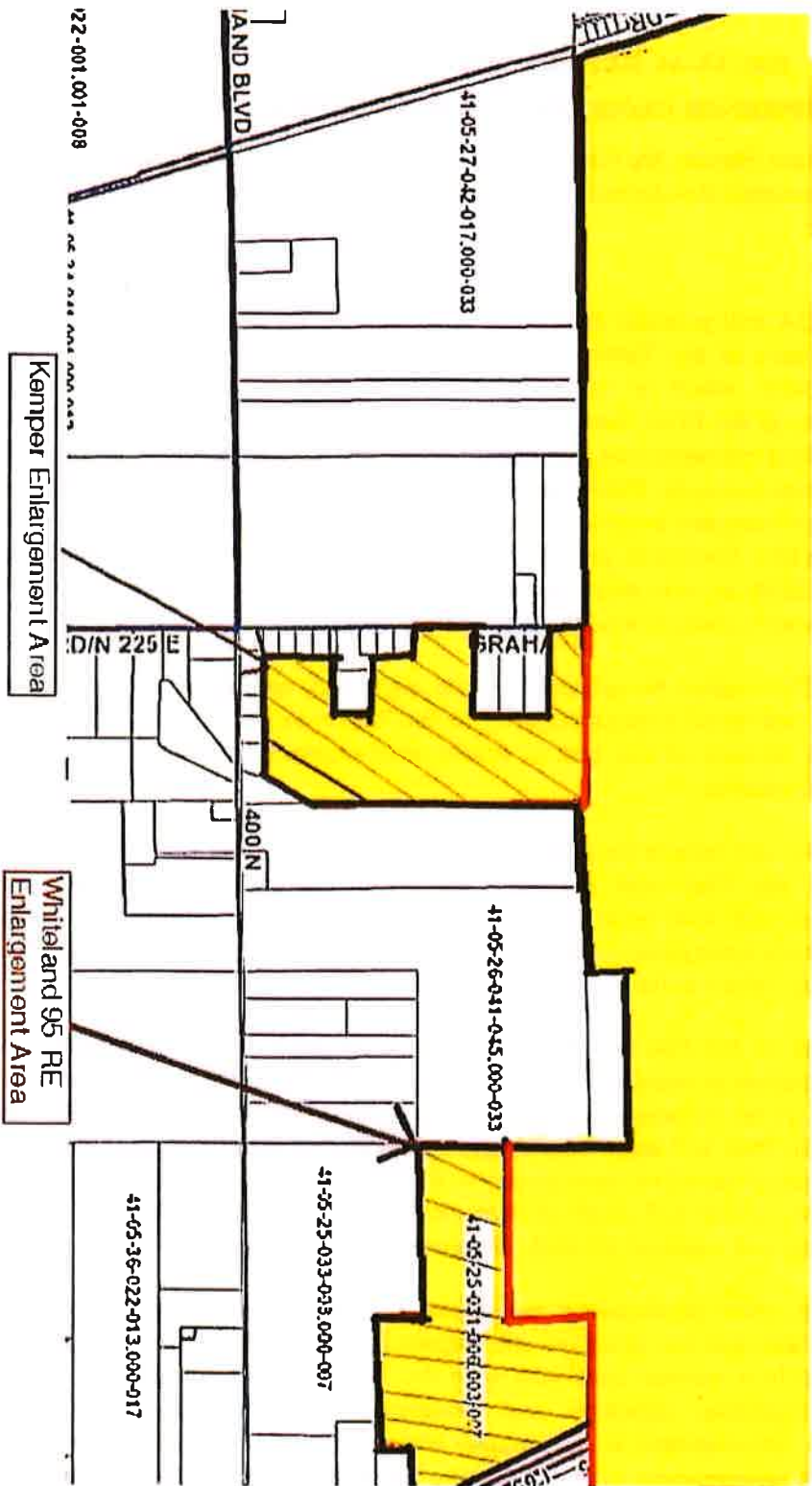


Exhibit C

List of the owners of the various parcels of property affected by the amendment of the resolution
to add the 2020-01 Enlargement Area

WHITELAND 95 RE LLC (Parcel ID - 41-05-25-031-006.003-007)

BD FAMILY FARM, LLC (Parcel ID's - 41-05-26-031-008.004-028, 41-05-26-034-046.000-028,
and 41-05-26-031-046.001-028)



Whiteland Economic Development Area

As Amended February 20, 2020

Exhibit E

FACTUAL REPORT IN SUPPORT OF FINDINGS CONTAINED IN RESOLUTION

As provided by Indiana Statute, the Commission may designate the Whiteland Economic Development Area as an economic development area under I.C. 36-7-14-41 in that it satisfies the statutory criteria as follows:

1. The Plan for the EDA will promote significant opportunities for growth and the gainful employment of citizens of the Town of Whiteland by helping provide available and adequate infrastructure, which is necessary to attract new developments and new employers. To locate in the EDA, businesses and developers desire sites that are shovel ready with all required infrastructure, including water, wastewater services, along with road and drainage improvements. This Plan provides for the potential for public funding of those necessary improvements as development occurs. The establishment of the EDA enables the use of public funding to guide infrastructure design and construction and thus development of the EDA so as to promote employment and mixed uses of the land, to an extent individual property owners would not otherwise attain.
2. The Plan for the EDA cannot be achieved by the regulatory processes or by ordinary operation of private enterprise without resorting to the Redevelopment Statutes (IC 36-7-14 and IC 36-7-25) because of the lack of public improvements and the Town's long running economic stagnation.
3. The Plan for the EDA will benefit the public health, safety, morals, and welfare in that the implementation of the Plan will diversify the local economy, add employment opportunities that do not now exist and cannot exist without the addition of public improvements, promote synergistic development throughout the EDA, and serve to protect and increase property values in the Town, County, and the State of Indiana.
4. The accomplishment of the Plan for the EDA will be of public utility and benefit as measured by the attraction or retention of permanent jobs, increase in the property tax base, improved diversity of the economic base, and other similar public benefits, in that the implementation of the Plan will and the installation of additional infrastructure in the EDA will make the property of the EDA more attractive for potential businesses and developers to locate in the EDA, which will result in more development, more assessed value, and more permanent jobs, and a greater diversity of businesses and employers.
5. The Plan conforms to other development and redevelopment plans for the unit in that the Plan expressly provides that it is designed and intended to promote the use of land in the Town of Whiteland in a manner consistent with the Whiteland Comprehensive Plan's recommendations regarding industrial and commercial growth. More specifically, industrial economic development is encouraged along and near the interstate and the railroad; commercial development is planned along US 31 that will both employ citizens and encourage further residential and business growth; and initiation of a new town center

in conjunction with redevelopment of the existing Main Street is called for to improve community well-being, generate employment, and form a distinctive identity.

6. The adoption of the allocation provision of the Resolution, which adds the Whiteland 95 RE Property and the Kemper Property to the Whiteland Advancement Allocation Area, will result in new property taxes in the area that would not have been generated but for the adoption of the allocation provision, because the Whiteland 95 RE Property and the Kemper Property are currently unimproved land, such property has been undeveloped for decades, such property does not currently have any planned development, the projects within the Plan for the Whiteland Advancement Allocation Area will help provide infrastructure necessary for the Whiteland 95 RE Property and the Kemper Property to attract development to such property, and the projects within the Plan will be more likely to be funded and accomplished with the Whiteland 95 RE Property and the Kemper Property included within the Whiteland Advancement Allocation Area.

